

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 12, 2003**

DIVISION TWO

B157541 People (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Doi Todd, J.

B158298 People (Not for Publication)  
v.  
Aguirre

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B160120      Smith      (Not for Publication)  
v.  
M.K. a minor et al.

The superior court is directed to set aside its order denying appellant's section 425.16 motion to strike and to issue a new and different order granting the motion. Appellant is awarded the costs of this appeal.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

DIVISION TWO (Continued)

B155431     People  
              v.  
              Navarez

Filed order denying petition for rehearing.

DIVISION THREE

B143831     Richard Herr                    (Certified for Partial Publication)  
              v.  
              Nestle U.S.A., Inc.

The judgment, the order denying the motion for JNOV, and the order awarding attorney fees to Herr, are affirmed. Herr shall recover his attorney fees incurred in responding to Nestle's appeal. Herr shall also recover costs on appeal.

Klein, P.J.

We concur:    Kitching, J.  
                  Aldrich, J.

DIVISION FOUR

B163513     People                                (Not for Publication)  
              v.  
              Gutierrez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:    Epstein, J.  
                  Hastings, J.

June 12, 2003 (Continued)

## DIVISION FOUR (Continued)

B154456 People (Not for Publication)  
v.  
Foster and Bhimji

The judgment as to Bhimji is affirmed. It is reversed as to Foster and his conviction for both the murder and providing a minor with a weapon are vacated and the matter is remanded for a new trial.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B159556      Alla Belmes      (Not for Publication)  
v.  
Chandler Properties

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B160798 People (Not for Publication)  
v.  
Dean P.

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Mosk, J.

DIVISION FIVE (Continued)

B165590      Kiley Kelsey                      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(Will Watson, et al., r.p.i.)

The petition is denied. Parties to bear own costs.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.

B159298      People                                      (Not for Publication)

v.  
Americo Sepulveda

The restitution order of \$1,305.31 to the Constitution Insurance Company is stricken. The restitution order to Popeyes is modified to \$1,555.31. To the extent the Department of Corrections has already collected and awarded any of the restitution to the Constitution Insurance Company, that amount shall be deducted from the restitution payable to Popeyes. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Mosk, J.

B147003      Alexander Little                      (Not for Publication)

v.  
Auto Stiegler, Inc.

The judgment is reversed. Each party to bear their own costs.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.

DIVISION FIVE (Continued)

B147015      People      (Certified for Partial Publication)  
v.  
Jason Schmaus

The judgment is affirmed in its entirety as to Jason Schmaus. The judgment as to Michael Beattie is modified to strike two of the life without possibility of parole sentences and is otherwise modified. The judgment as to Danny Black is modified to strike two of the life without possibility of parole sentences and is otherwise affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B154479      Morin      (Not for Publication)  
v.  
Northwest Airlines, Inc., et al

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B159395 People (Not for Publication)  
v.  
Lee

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION FIVE (Continued)

B161963      Los Angeles County, D.C.S.  
                 v.  
                 Robert G.  
                 In re Aaliyah G.

Filed order modifying opinion and granting request for partial publication.  
(No change in the judgment)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Senior Deputy Clerk.

B159336      Child Welfare Services v. Sara M.

Argument waived, cause submitted.

B156126      Borneman  
                 v.  
                 Santa Barbara Co. Employees' Retirement System

Merits:  
Argued by Steven R. Pingel for appellant and by Alan A. Blakeboro for  
respondent. Cause submitted.

B152792      Clark  
                 v.  
                 Maxwellton Homeowners' Assoc.

Merits:  
Argued by Frederick K. Glick for appellants and by John W. Belsher for  
respondent. Cause submitted.

DIVISION SIX (Continued)

B157232     Ventura Co.  
                 v.  
                 Dimmick

Merits:

Argued by Mary Dahlberg, Deputy Attorney General for appellant/cross-respondent and by Wendy C. Lascher for respondent/cross-appellant. Cause submitted.

B160473     Marriage  
                 of  
                 Noe

Merits:

Argued by Matthew Ray Bogosian for appellant and by Herb Fox for respondent. Cause submitted.

B157236     Dobson  
                 v.  
                 Myers

Merits:

Argued by Frances Myers, appellant in propria persona, and by Michael C. O'Brien for respondent. Cause submitted.

B154998     Coulombe  
                 v.  
                 City of Oxnard

Merits:

Jackie Coulombe, appellant in propria persona presents written argument in open court. Jeff Held argues for respondent. Appellant submitted a copy of respondent's brief with tabs with court's permission. Cause submitted.

Court recessed at 11:00 A.M.

June 12, 2003 (Continued)

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B154455 People v. Salgado  
B156749 People v. Lomako  
B157763 People v. Anderson  
B159372 People v. Medina  
B160700 People v. Riley  
B160776 People v. Hudson  
B161273 People v. Reveles  
B161542 People v. Hewitt  
B163424 People v. Joshua M.

Argument waived, cause submitted.

Each of the following:

B159220 People v. Course  
B159642 People v. Goddard  
B160695 People v. Diaz

Argument continued to July, 2003.

B143261      People v. Ambriz

Argument continued to August, 2003.

B163889      People  
                  v.  
                  Zaragoza

Merits:

Argued by Michael D. Schwartz, Senior Deputy District Attorney, for appellant; and by Michael C. McMahon, Chief Deputy Public Defender, for respondent. Cause submitted.



DIVISION SIX (Continued)

B156035     People  
              v.  
              Ludaescher

Merits:

Argued by Susan B. Gans Smith for appellant and by Russell A. Lehman, Deputy Attorney General, for respondent via video conference. Cause submitted.

B161445     People  
              v.  
              Augustine

Merits:

Argued by Sylvia W. Beckham for appellant and by Alan D. Tate, Deputy Attorney General, for respondent via video conference. Cause submitted.

B162596     People  
              v.  
              Waskul

Merits:

Argued by Wayne C. Tobin for appellant and by Erin M. Pitman, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. left the bench.

B159417     People  
              v.  
              Rocky M.

Appearances:

Richard C. Gilman for appellant and by Roy C. Preminger, Deputy Attorney General, for respondent via video conference. Argument waived, cause submitted.

June 12, 2003 (Continued)

## DIVISION SIX (Continued)

B157627 People  
v.  
Preciado

Merits:

Argued by Pierpont M. Laidley for appellant and by Jennifer Jadovitz, Deputy Attorney General, for respondent via video conference. Cause submitted.

B152991 People  
v.  
Olvera, et al.

Merits:

Argued by Madeline McDowell for appellant Lopez and by Corey J. Robins, Deputy Attorney General, for respondent via video conference. Argument previously waived by appellants Frank Olvera, Rosana Olvera and Terry Schell. Cause submitted.

Court adjourned at 3:10 P.M.

B158771 People (Certified for Publication)  
v.  
Ramirez

The judgment is affirmed.

Yegan, Acting P.J.

I concur: Coffee, J.  
I dissent: Perren, J. (Opinion)

## DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Perluss, P.J., Johnson, J., Woods, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

Each of the following:

B155443 People v. Seo  
B157454 People v. Morrison  
B157667 People v. Smith  
B157975 People v. Timothy J.  
B158329 People v. Diego  
B158524 People v. Schwarz  
B158933 People v. London  
B162673 People v. Mario Z.  
B161449 DCFS v. Murielle M.  
B166060 Monica M. v. SCLA  
B158950 Max Group v. Pacific Industrial

Argument waived, cause submitted.

B155148     MacKenzie  
               v.  
               Riverside Medical Bldg.

Merits:

Argued by Lyle Middleton for appellant and by Paul F. Sowa for respondents. Cause submitted.

B164765     Abraham L., et al.  
               v.  
               Superior Court, Los Angeles County  
               (DCFS, r.p.i.)

Merits:

Argued by Marissa Coffey for petitioners and by Sarah Overton for respondent. Pamela Landeros appeared but did not argue on behalf of real party in interest. Cause submitted.

B153521     Agnew  
               v.  
               State Board of Equalization

Merits:

Argued by S. Jerome Mandel for appellant and by Felix Leatherwood, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B145777     Frankston  
              v.  
              Glenn, et al.

Merits:

Argued by Marc Poster for appellants and by Joshua Tropper for respondent. Parties have stipulated to Judge Munoz's participation by listening to recording of oral argument. Submission is deferred pending Judge Munoz's listening to recording of oral argument.

Court recessed at 11:07 A.M.

Court reconvened at 1:30 P.M.

Present: Perluss, P.J., Johnson, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B153962 Chavez v. Coconut Grove, et al.  
B159236 Hettig, et al. v. Elsinore Corp.  
B159392 Brown v. Noonan, et al.

Argument waived, cause submitted.

B157694     Reynoso  
              v.  
              Floyd

Merits:

Argued by Jill Thomas for appellant and by Oscar Toscano for respondent. The parties have stipulated to Judge Munoz's participation on case by listening to recording of oral argument. Cause submitted.

B160874     Bendetti, et al.  
              v.  
              Featherlite, Inc.

Merits:

Argued by Emil Herich for appellants and by Carol Knoblow for respondent. The parties have stipulated to Judge Munoz's participation on case by listening to recording of oral argument. Cause submitted.

DIVISION SEVEN (Continued)

B161913     Evga.Com Corp.  
              v.  
              Moh

Merits:

Argued by Jayne Kaplan for appellant and by Vincent Chan for respondent. The parties have stipulated to Judge Munoz's participation on case by listening to recording of oral argument. Cause submitted.

B156694     Marigny  
              v.  
              Mercury Air Group

Merits:

Argued by Pamela Teren for appellant and by Jennifer Joaquin for respondent. The parties have stipulated to Judge Munoz's participation on case by listening to recording of oral argument. Cause submitted.

Court adjourned at 3:08 P.M.

B158939     Fischer                                 (Not for Publication)  
              v.  
              Valley Forge Life Insurance Company

The judgment is reversed. Fischer to recover costs on appeal.

Munoz, J. (Assigned)

We concur:    Perluss, P.J.  
                      Johnson, J.

B153072     People                                 (Not for Publication)  
              v.  
              Carson

The judgment is reversed, and the case remanded to the trial court for further proceedings consistent with this opinion.

Munoz, J. (Assigned)

We concur:    Perluss, P.J.  
                      Johnson, J.

June 12, 2003 (Continued)

## DIVISION SEVEN (Continued)

B156734 People (Not for Publication)  
v.  
Beavers

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Johnson, J.

Each of the following:

B154010 People v. Ranger Insurance Company  
B160168 County of Los Angeles v. Ranger Insurance Company  
B161428 People v. Taylor

Filed order denying petition for rehearing.

## DIVISION EIGHT

(Certified for Publication)

B155143      Central and West Basin Water Replenishment District  
v.  
Southern Calif. Water Company, et. al.

The judgment is affirmed. Each party to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

## DIVISION EIGHT (Continued)

B155819 People (Not for Publication)  
v.  
Akins

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B162685 People (Not for Publication)  
v.  
Munoz

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B161242	Culver Van Buren	(Not for Publication)
	v.	
	Don B. Jones, et al.,	
	Estate of Ruth I. Jones, Deceased.	

The judgment (order approving final report, as to attorney fees) is reversed, and the matter is remanded for apportionment of the statutory fee based on services actually rendered by each attorney. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.